

Atty Docket: 33735US00 (4081-04300)**Patent****REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, 14 and 34 have been amended.

Claims 4, 11-12, 21, 24, and 42-49 have been canceled.

New claims 50-62 have been added.

As such, claims 1-3, 5-10, 13-20, 22-23, 25-41, and 50-62 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Claim objections

Independent claim 1 has been amended to recite the limitations of dependent claim 4, and the second occurrence of "N-methylpyrrolidone" has been deleted.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 5-10, 14-20, 22-23, and 25-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Cosyns* (US 4,571,442). Applicants respectfully submit that the prior art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined in MPEP 2142:

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The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

The Examiner has not met the burden of establishing the *prima facie* case of obviousness because *Cosyns* does not teach or suggest all of the limitations of independent claims 1 and 34. More specifically, Applicants have amended independent claims 1 and 34 to recite the combination of a polar solvent and a high boiling point additive. *Cosyns* does not teach or suggest the combination of a polar solvent and a high boiling point additive. Additionally, Applicants have amended independent claims 1 and 34 to recite that the polar solvent comprises a compound selected from the group consisting of N-methylpyrrolidone, formamide, N-methylformamide, N-ethylformamide, N-phenylformamide, N,N-dimethylformamide, N,N-diethylformamide, N,N-diphenylformamide, sulfolane, n-formyl morpholine, glycerol, triethylene glycerol, tetraethylene glycerol, and combinations thereof. *Cosyns* does not teach or suggest any of these specific polar solvents in combination with a high boiling point additive. In summary, *Cosyns* does not teach or suggest the combination of a polar solvent and a high boiling point additive, and in particular high boiling point additive in combination with a specific polar solvent selected from the groups listed above. Given that *Cosyns* does not teach or suggest each and every element of independent claims 1 and 34, claims 1-3, 5-10, 14-20, 22-23, and 25-41 are allowable over the prior art of record.

Claim 13 stands rejected under 35 USC §103(a) as unpatentable over *Cosyns* in view of *Kimble* (US 6,127,588). Assuming for sake of argument that the combination of *Cosyns* and *Kimble* is proper (and without conceding such), the Examiner has nonetheless failed to establish a *prima facie* case of obviousness as such a combination does not teach or suggest all of the claim limitations. Claim 13 depends from and incorporates the limitations of independent claim 1 as

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discussed previously. The primary reference, *Cosyns*, does not disclose each and every element of independent claim 1, and more specifically does not teach or suggest the combination of a polar solvent and a high boiling point additive, and in particular high boiling point additive in combination with a specific polar solvent selected from the groups listed above. Furthermore, the secondary reference, *Kimble*, is not cited by the Examiner for the purpose of providing such missing elements of independent claim 1. Thus, Applicants respectfully submit that claim 13 is likewise allowable over the prior art of record.

New Claims 50-62

New independent claim 50 is drawn to specific polar solvents that are not disclosed in the prior art of record. More specifically, claim 50 recites that the polar solvent comprises a compound selected from the group consisting of sulfolane, glycerol, triethylene glycerol, tetraethylene glycerol, and combinations thereof. The primary reference, *Cosyns*, does not teach or suggest any of these specific polar solvents. Thus, independent claim 50 as well as new claims 51-62 depending there from are allowable over the prior art of record.

*Atty Docket: 33735US00 (4081-04300)**Patent***CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicants. No new matter is introduced by way of the amendments. It is believed that each ground of rejection raised in the Office Action dated February 23, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

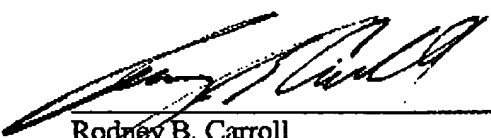
If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 5-18-06

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